IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 17499 of 2004

Between:

1 Chenna Gone Vardaiah Goud, S/o. Late C. Kistaiah
Hayathanagar village & Mandal, under L.B. Nagar Municipality, R.R.District.
2 Chenna Goni Prabhakar Goud S/o. Late C. Kistaiah
Hayathanagar village & Mandal, under L.B. Nagar Municipality, R.R.District.
3 Chenna Goni Ram Mohan Goud S/o. Late C. Kistaiah
Hayathanagar village & Mandal, under L.B. Nagar Municipality, R.R.District.
4 Chenna Gone Sheshi Raj Goud S/o. Late C. Kistaiah
Hayathanagar village & Mandal, under L.B. Nagar Municipality, R.R.District.
5 Chenna Gone Madan Goud S/o. Late C. Kistaiah
Hayathanagar village & Mandal, under L.B. Nagar Municipality, R.R.District.

..... PETITIONER(S)

AND

1 The Joint Collector, R.R.District Office at 177, Khairatabad, Hyd-4.
2 The Mandal Revenue Officer, Office at Hayathanagar Mandal,
R.R.District.
3 L. Chandraiah S/o. Bangaraiah
R/o. H.NO. Bagh Hayathangar Village, Hayathnagar Mandal. R,.R.Dist.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or directions more particularly one in the nature of writ of certiorari and after calling the records quash the impugned order passed in Case No.D-5/184/2002, dated 8.6.2004 by the joint collector, Ranga Reddy District and direct the Joint Collector, R.R.District. to hear Case No.D-5/184/2004 afresh, and to grant such other and further relief as this Hon'ble Court deems fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.ABDUL NAJEEB KHAN

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

Heard the learned counsel on either side and with their consent the writ petition is disposed of at the stage of admission.

The 3rd respondent purchased an extent of Ac.0.20 guntas of land from the father of the petitioners under a registered sale deed No.9310 of 1980 dated 6.10.1980. On coming to know that the petitioners' names were recorded in the pahani for the year 1984-85 onwards, he approached the MRO to rectify the entries. The MRO in his memo No.B/452/99 dated 13.11.2001 expressed his inability to rectify the entries and advised him to file revision. Accordingly, he filed a revision before the Joint Collector, Ranga Reddy District, who entertained the revision after issuing notices to the parties. Accordingly, mutation of the names of the petitioners for the entire

extent of Ac.1.39 guntas was reduced to Ac.1.19 guntas and the balance of Ac.0.20 guntas, which was admittedly purchased by the 3rd respondent under a registered sale deed was directed to be recorded in the Pahani for the year 1984-85.

Learned counsel for the petitioners contends that during the lifetime of the petitioners' father, there was a partition between the petitioners and his father and pursuant to the said partition, their names were entered in the revenue records and the petitioners' father cannot convey the property under registered sale deed as the property is a joint family property.

All these questions cannot be gone into by the Joint Collector since prima facie the 3rd respondent purchased the property under a registered sale deed and whether such sale can be effected by the petitioners' father or not is a question which has to be decided by the competent civil court in appropriate proceedings. In view of the same, I see no infirmity in the order passed by the Joint Collector in ordering the mutation in favour of the 3rd respondent to the extent of Ac.0.20 guntas and confining the mutation in favour of the petitioners for the remaining area succeeded by them.

The writ petition is accordingly dismissed. No costs.

29.9.2004

CVM

To,

1 The Joint Collector, R.R.District Office at 177, Khairatabad, Hyd-4.
2 The Mandal Revenue Officer, Office at Hayathanagar Mandal,
R.R.District.
3 L. Chandraiah S/o. Bangaraiah
R/o. H.NO. Bagh Hayathangar Village, Hayathnagar Mandal. R,.R.Dist.

4. 2 CCs to G.P. for Revenue, High Court of A.P., Hyderabad (OUT).

5. 2 CD copies.